Embassy of the Argentine Republic

PUBLIC DOCUMENT

January 4, 2002

VIA E-MAIL

Gloria Blue
Executive Secretary, TPSC
Office of the USTR
600 17th Street, N.W.
Washington, D.C. 20508

Re: ***Steel*, Section 203 Action**

Dear Ms. Blue and Members of the TPSC:

The Government of Argentina hereby respectfully submits written comments regarding potential action under section 203 of the Trade Act of 1974 with regard to imports of certain steel.

If the Committee has any question please contact the undersigned.

Sincerely,

Cecilia Barrios Baron
Minister

Public Document

BEFORE THE
UNITED STATES TRADE REPRESENTATIVE

IN THE MATTER OF:	}	Investigation No. TA-201-73
Certain Steel		

WRITTEN COMMENTS OF

THE GOVERNMENT OF ARGENTINA

REGARDING
POTENTIAL ACTION UNDER SECTION 203 OF THE TRADE ACT OF 1974 WITH REGARD TO IMPORTS OF CERTAIN STEEL

January 4, 2002

GOVERNMENT OF ARGENTINA: USTR REMEDY BRIEF

I. INTRODUCTION

The Government of Argentina ("Argentina") respectfully submits the following brief with respect to the Presidential remedy phase of the Steel Section 201 action. Argentina's arguments pertain to the following specific products investigated by the U.S. International Trade Commission ("Commission") and for which the Commission made injury findings and issued remedy recommendations: (1) slabs, (2) hot-rolled steel, (3) cold-rolled steel, (4) coated (corrosion resistant) steel, (5) tin mill, (6) certain wire-rod, (7) welded non-OCTG pipe and (8) fittings and flanges. The Government of Argentina respectfully submits imports of many of these products should be excluded either based on developing country status or because the products are specialty products that have traditionally been excluded from the scope of trade remedies. With respect to developing country exclusions the Government of Argentina submits that four of these eight products should be excluded under Article 9.1 of the WTO Agreement on Safeguards ("Article 9.1") because the volume of imports is negligible.[1] Additionally, Argentina submits that free-machining carbon steel wire rod and bars should not be subject to any remedy, regardless of country of origin because it is a specialty product that has traditionally been excluded from trade remedies.

For the reasons highlighted below and explained in detail in the body of the brief, no remedy should be imposed with respect to the above products from Argentina:

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[1] As shown in Section II.B.3 (pages 10 - 15) and in Appendix A, imports of slabs, hot-rolled steel, tin mill, and fittings and flanges from Argentina should be excluded from the remedy because the volume of imports from Argentina of each of these products is less than 3 percent and the volume from all negligible developing countries is less than 9 percent.

- Article 9.1 of the WTO Agreement on Safeguards ("Article 9.1") prohibits application of safeguard measures against products from developing country Members with negligible import shares (i.e. no greater than 3 percent of imports, where all developing country Members with less than 3 percent account for no more than 9 percent.)

- No remedy is necessary, because the data collected by the Commission demonstrates that recent declines in imports already have been more substantial than the domestic industry could expect from safeguard remedies and domestic producers' shipments have increased markedly in the most recent period.

- If the President should decide to impose a remedy, the Article 5.1 of the WTO Agreement on Safeguards requires that any remedy "not exceed the amount necessary to prevent or remedy the serious injury."

- If the President should decide to impose a remedy, he should impose separate remedies for each of the specific products investigated by the Commission within the larger group of flat steel products.

Argentina respectfully submits that the remedy recommendations issued by the Commission on December 7 ignored the above considerations.[2] Consequently, Argentina respectfully requests that the President be mindful of U.S. international obligations and exercise his broad authority under the Section 201 law to make an independent determination and order that no additional trade remedy measures be imposed where, as here, the circumstances demonstrate that no remedy is warranted. If, however, the President should decide to impose a remedy, Argentina urges that he should select a remedy that imposes the least amount of market disruption.

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[2] In its opinion, the Commission majority made no mention of the WTO requirement to exclude developing WTO member countries whose imports are negligible. The only mention of the WTO developing country exclusion requirement was provided in Commissioner Bragg's separate views in which she stated: "I note for the President's consideration respondents' argument that developing country WTO member countries should be excluded from any remedy action where the volume of these countries' imports is less than 9 percent of total imports. This finding appears to be mandated under the WTO Safeguards Agreement but is not specifically provided for in the U.S. law."

II. U.S. INTERNATIONAL OBLIGATIONS PROHIBIT IMPOSITION OF SAFEGUARD MEASURES WITH RESPECT TO DEVELOPING COUNTRY MERCHANDISE WITH NEGLIGIBLE IMPORT SHARES

A. The WTO Agreement On Safeguards Requires A Developing Country Exception To Any Import Restraint Imposed As A Result Of This Investigation

1. The United States Has A Clear Obligation To Exclude All Developing Countries That Meet The Requirements Of Article 9.1 Of The Agreement On Safeguards

Article 9.1 of the Agreement on Safeguards clearly delineates the obligations of all World Trade Organization ("WTO") members. The Article 9.1 states:

> Safeguard measures shall not be applied against a product originating in a developing country Member as long as its share of imports of the product concerned in the importing Member does not exceed 3 percent, provided that developing country Members with less than 3 per cent import share collectively account for not more than 9 per cent of total imports of the product concerned.[3]

Thus, as a WTO member, Article 9.1 of the Safeguards Agreement is an unambiguous international commitment of the United States. The United States has acknowledged its Article 9.1 obligation in several post-WTO safeguard investigations. For example, in the 1996 safeguard investigation of broom corn brooms, the President applied increased duties on imports from all countries except "Canada and Israel and developing countries that account for less than three percent of the relevant imports over a recent representative period."[4] In the 1998 safeguard investigation against wheat gluten, the President applied quantitative limitations on imports from all countries "except for products of Canada, Mexico, Israel, beneficiary countries under the Caribbean Basin Economic Recovery Act (CBERA) and the Andean Trade Preference Act

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[3] WTO Agreement on Safeguards Article 9.1 (emphasis added).

[4] Proclamation 6961 of November 28, 1996: To Facilitate Positive Adjustment to Competition From Imports of Broom Corn Brooms.

(ATPA), and other developing countries that have accounted for a minor share of wheat gluten imports."[5]

The United States also has acknowledged its Article 9.1 obligation before the WTO. In the recent *Wheat Gluten* WTO Dispute Settlement Panel proceeding, the United States relied upon the Article 9.1 exclusion in an attempt to justify its treatment of Canada in the Wheat Gluten section 201 investigation.[6] The United States argued that the scope of imports to which a safeguard remedy is applied generally need not be equivalent to the scope of imports subject to a safeguard investigation. The Panel and Appellate Body disagreed, ruling that, as a general matter, the scope of imports investigated must be equivalent to the scope of imports to which a remedy is applied. Both the Panel and Appellate Body pointed to Article 9.1 as the one exception to this requirement of "symmetry." Thus, the obligation to exclude developing countries from safeguard measures was undisputed and explicitly acknowledged by the United States.

2. The United States Has A Clear Obligation To Explicitly State Which Developing Countries Shall Be Excluded

The WTO Panel decision in *United States-Definitive Safeguard Measures on Imports of Circular Quality Line Pipe from Korea*, report of the panel, makes clear that the United States shall explicitly state which developing countries will be excluded.[7] In *Line Pipe*, the WTO panel

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5 Proclamation 7103 of May 30, 1998: To Facilitate Positive Adjustment to Competition From Imports of Wheat Gluten By The President of the United States of America.

6 "The United States relies on Article 9.1 of the *Agreement on Safeguards* in support of its argument that the scope of the serious injury investigation need not correspond exactly to the scope of application of a safeguard measure." Appellate Body Report, *Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities*, ST/DS166/AB/R, adopted Dec. 22, 2000, footnote 96) (emphasis added).

7 WT/DS202/R (29 October 2001) ("*Line Pipe*").

makes clear that Article 9.1 of the Safeguards Agreement is an unambiguous international commitment of the United States. The WTO panel ruled that "Article 9.1 is clear in its mandate that a safeguard measure 'shall not be applied' to imports of developing countries accounting for not more than 3 per cent of total imports. . . . [i]n our view, if a measure is not to apply to certain countries, it is reasonable to expect an express exclusion of those countries from the measure."[8] The Panel reviewed all of the relevant U.S. documents[9] relating to the application of the safeguard remedy and concluded that no document contained any express exclusion for developing countries. Because no document contained any express exclusion for developing countries, the Panel concluded that the U.S. line pipe measure applied equally to developing countries. Therefore, the Panel found that the U.S. had violated Article 9.1 because that provision mandates that a measure "shall not be applied" to developing countries that fulfill the conditions of the provision. Therefore, the panel found that the United States had not complied with its obligations under Article 9.1 in not specifically and expressly excluding the developing country WTO members from the safeguards remedy imposed.

3. There Is No "Symmetry" Requirement Between The International Trade Commission's Injury Analysis And The President's Obligation To Exclude Developing Countries' Imports From The Remedy Applied

The WTO panel in the *Wheat Gluten* case specifically ruled that although there is a requirement of "symmetry" under Articles 2.1 and 4.2 of the Safeguards Agreement between the scope of the imports subject to a safeguards injury "investigation" and the scope of the imports

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8 *Id.* at 105 ¶ 7.175.

9 The documents reviewed were: the Presidential Proclamation, the President's Memorandum to the Secretary of Treasury, the President's Memorandum to the United States Trade Representative, and the Memorandum from Customs Service Director of Trade Programs to all Port Directors.

subject to the application of the safeguards "measure," the developing country exclusion requirement of Article 9.1 is an "explicit departure from this principle."[10] The WTO appellate body concurred, holding that "Article 9.1 is an exception to the general rules set out in the Agreement on Safeguards that applies only to developing country Members."[11] Hence, the scope of the serious injury investigation need not correspond exactly to the scope of application of a safeguard measure to the extent the only departure is that developing countries are excluded from the measure.

Thus, even though the International Trade Commission has included developing country imports in its injury analysis and determination, the President may still exclude developing countries from any remedy measures imposed without violating any WTO Safeguards Agreement requirements. A plain reading of the Safeguards Agreement shows that the WTO panel and appellate body made the correct determination in this regard. Indeed, the U.S. Government took the broad position in the *Wheat Gluten* WTO dispute that Article 9.1 stands for the proposition that imports may be included in the injury analysis and still be excluded from any remedy imposed.[12]

B. Application Of Article 9.1 Of The WTO Safeguards Agreement Shows Imports From Argentina Should Be Excluded From The Remedy

Application of the President's obligation to exclude developing WTO member countries that are negligible demonstrates that imports from Argentina should be excluded from the

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10 *United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities*, panel report WT/DS166/R (July 31, 2000) at 55.

11 *Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities*, appellate body report ST/DS166/AB/R (Dec. 22, 2000) at 33.

12 *See Id.*

remedy. In calculating the share of imports for developing countries, the President should use the import volumes from the interim period because this period is consistent with WTO precedent, is most contemporaneous period that was part of the Commission's period of investigation, and id the period that best reflects the current market conditions. However, if the President decides not to use this period, he should select the period of 2000 plus the interim period as an alternative.. Regardless of which period the President selects, the data show that several products from Argentina qualify for exclusion.

1. The President Should Use The Import Volumes From The Interim Period (*i.e.*, January 2001 Through June 2001) To Calculate The Developing Countries' Share Of Imports

When calculating the share of imports the interim period, (*i.e.*, January 2001 through June 2001) is the most appropriate period because (1) it satisfies the emphasis of the WTO Appellate Body to focus on the most recent periods, (2) is a part of the period of investigation in which the Commission found injury, and (3) it more accurately reflects changes to the current market conditions that have resulted from recent AD/CVD orders.

a. The Interim Period (*i.e.*, January 2001 Through June 2001) Is Most Appropriate Because It Satisfies The Emphasis Of The WTO Appellate Body To Focus On The Most Recent Periods

The interim period (*i.e.*, January 2001 through June 2001) is most appropriate because it satisfies the emphasis of the WTO Appellate Body to focus on the most recent periods. Although the *WTO Safeguards Agreement* does not provide a specific time period for which the Article 9.1 requirements should be calculated, the Appellate Body has provided guidance on selecting an appropriate period. In *Argentine Footwear*, the Appellate Body addressed the issue of the relevant investigation period, finding that:

> [w]e do not agree with the Panel that it is reasonable to examine the trend in imports over a five-year historical period. In our view, the use of the present tense in the verb phrase 'is being imported' in both Article 2.1. of the *Agreement on Safeguards* and Article XIX:1(a) of the GATT 1994 indicates that it is necessary for the competent authorities to examine recent imports, and not simply trend in imports during the past five years – or, for that matter, during any other period of several years. In our view, the phrase 'is being imported' implies that the increase in imports must have been sudden and recent.[13]

The Appellate Body's decision stands for the proposition that a safeguard investigation should focus only on the most recent period. As described in the *Argentine Footwear* case, the most recent period should be limited to the "very recent past," and not to "the past five years" or "any other period of several years."

This requirement that the investigation focus on the most recent periods should apply, at least by analogy, to the issue of the time period used for Article 9.1 analyses. Thus, in this case, using the interim period is consistent with WTO precedent.

b. The Interim Period (*i.e.*, January 2001 Through June 2001) Is The Most Appropriate Period Because It Is Part Of The Commission's Period Of Investigation

The interim period also is appropriate because it is a part of the period of investigation in which the Commission found injury. The President should limit the examination of the developing country imports to the most recent portion of the Commission's period of investigation because it most accurately reflects the developing countries true share of imports. Periods after the interim period (*i.e.*, after the section 201 investigation was initiated) may be misleading because some countries may have attempted to increase shipments before any safeguard measures were put into effect. Moreover, the Commission's period of investigation is the period in which the Commission based its finding of injury. It is only logical that the most

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[13] *Footwear* at para. 130 and n. 130 (emphasis added).

recent portion of that period be the basis for determining if developing countries should be excluded from the remedy.

c. The Interim Period (*i.e.*, January 2001 Through June 2001) Is Most Appropriate Because It Best Reflects The Current Market Conditions

The interim period is most appropriate because it accurately reflects the current market conditions. The market for several of the products covered by this investigation has been changed significantly by recent antidumping and countervailing duty orders put in place. Before these orders the market was different – especially the share of imports maintained by developing countries. For instance, with respect to hot-rolled sheet imports, the preliminary AD/CVD order in early 2000 covered several developing country WTO members. These countries accounted for over 1.6 million short tons of hot-rolled imports in 2000.[14] In interim 2001, after the preliminary AD orders were in place these same developing countries accounted for less than 90,000 tons.[15] Thus, the 2000 data is not representative of the prevailing market position of developing countries. Using import shares based on a period that is no longer representative of the current market conditions will result in import shares that do not accurately reflect the current and potential market share of developing country imports and will ultimately lead to some countries receiving a "double penalty" (*i.e.*, duties in the AD/CVD case and no developing country exclusion in the 201 investigation).

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[14] *See* P.R. at Flat-C-4.

[15] *See* P.R. at Flat-C-4.

2. In The Alternative, The President Should Use 2000 Plus The Interim Period (*i.e.*, January 2000 Through June 2001)

Were it not for the changes discussed above, the period of January 2000 to June 2001 could have been considered a viable period for calculating the developing country import shares. In fact, for products not covered by recent AD/CVD orders, January 2000 to June 2001 is an appropriate base period. Thus, if the President decides to select a period other than the interim period, he should follow the mandate of the WTO Appellate Body in *Argentine Footwear* and use the period of January 2000 to June 2001 data because it is the most recent data on the investigation record. For many of the reasons discussed above this is the most appropriate period. This period is consistent with the United States' WTO obligations and was a part of the period of investigation used for the Commission's injury determination. Regardless of which period the President selects, the data show that Argentina's imports of several products should be excluded because they are negligible.

3. Import Data Show Argentina's Imports of Several Steel Products Should Be Excluded From The Remedy Because They Are Negligible

As discussed in detail above, the United States has an obligation not to impose the remedy on a developing country WTO member if "its share of imports . . . does not exceed 3 per cent, provided that developing country Members with less than 3 per cent import share collectively account for not more than 9 per cent of total imports of the product concerned."[16] Under this provision several products from Argentina should be excluded from the remedy.

Provided in Appendix A is a breakdown of imports on a product-by-product basis during the period 2000 plus Interim and Interim alone comprising all WTO member countries that were

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[16] Article 9.1 *WTO Safeguards Agreement*

developing countries at the time. Analysis on a product-by-product basis is the most appropriate method because any action taken by the President should be specific to each of products investigated by the Commission, including within the broader flat product group. Separate remedies for each of the different flat products is necessary to add certainty to the market situation facing U.S. producers, foreign producers, and purchasers and to ensure an effective and fair remedy. A remedy based on all flat products combined would unjustly allow certain foreign producers of certain products an advantage over other foreign producers of other products and would fail to protect some U.S. producers. Some developing countries do not even produce certain of the flat-rolled products or ship them to the United States; therefore, combining all flat-rolled products together in the analysis would improperly discriminate certain developing countries.

For these reasons, the developing country exclusion analysis should be conducted on a product-by-product basis. A product-by-product analysis with respect to the developing country exclusion also is consistent with the disparity of remedies recommended by the various Commissioners with respect to the different steel products involved in this case. Commissioner Okun, for example, issues different remedies for all of the different steel products involved.

The following discussion shows that using the interim period (*i.e.*, January 2001 to June 2001) results in several products qualifying for exclusion. Using the interim period results in the following products from Argentina qualifying for exclusion: (1) slabs, (2) hot-rolled sheet, (3) tin mill, and (4) fittings and flanges. The tables demonstrating these results, along with the raw data used for all calculations are included in Appendix A.

If the President, in the alternative, selects the period of January 2000 to June 2001 results in the following products from Argentina qualifying for exclusion: (1) slabs, (2) tin mill, (3)

welded non-OCTG, and (4) fittings and flanges. The tables demonstrating these results, along with the raw data used for all calculations are included in Appendix A.

a. Slabs

Imports of slabs from Argentina should be excluded from the remedy because Argentina's share of slab imports is less than 3 percent of total imports and developing country Members with less than 3 percent of slab imports together account for less than 9 percent of total imports. During the interim period, Argentina's did not import slabs. As shown below, the total for all WTO developing countries under 3 percent was 3.64 percent.

	Jan-June '01	
Slabs	**Share**	**Short Tons**
Argentina	1.90%	45,003
Latvia	0.00%	0
Lithuania	0.00%	0
Poland	1.75%	41,504
Slovenia	0.00%	0
Turkey	0.00%	0
Venezuela	0.00%	0
Total	**3.64%**	86,507
	Total (World)	2,374,030

b. Hot-Rolled Sheet

Imports of hot-rolled sheet from Argentina should be excluded from the remedy because Argentina's share of hot-rolled sheet imports is less than 3 percent of total imports and developing country Members with less than 3 percent of hot-rolled imports together account for less than 9 percent of total imports. During the interim period, Argentina's import share was 0.45 percent. As shown below, the total for all WTO developing countries under 3 percent was 8.01 percent.

Jan-June '01		
Hot-Rolled Sheet	**Share**	**Short Tons**
Argentina	1.22%	21,474
Brazil	0.26%	4,644
Bulgaria	0.63%	11,074
Czech Republic	0.00%	0
Dominican Rep	0.00%	0
Egypt	0.10%	1,832
El Salvador	0.00%	0
Guatemala	0.00%	0
Hungary	0.71%	12,443
India	2.84%	50,017
Indonesia	0.61%	10,726
Latvia	0.00%	0
Lithuania	0.00%	0
Peru	0.00%	0
Philippines	0.00%	0
Poland	0.00%	0
Slovakia	0.08%	1,433
South Africa	0.20%	3,459
Thailand	0.90%	15,847
Venezuela	0.45%	7,944
Total	**8.01%**	140,893
	Total (World)	1,759,659

c. Tin-Mill Products

Imports of tin-mill products from Argentina should be excluded from the remedy because Argentina's share of tin-mill imports is less than 3 percent of total imports and developing country Members with less than 3 percent of tin mill imports together account for less than 9 percent of total imports. During the interim period, Argentina's share of imports was 0.08 percent. As shown below, the total for all WTO developing countries under 3 percent was 0.35 percent.

Jan-June '01		
Tin-Mill Products	**Share**	**Short Tons**
India	0.27%	703
Argentina	0.08%	217
Venezuela	0.00%	0
Dominican Rep	0.00%	0
Tunisia	0.00%	0
Antigua Barbuda	0.00%	0
Slovakia	0.00%	0
Thailand	0.00%	0
Colombia	0.00%	0
Total	**0.35%**	**920**
	Total (World)	**263,091**

d. Fittings and Flanges

Imports of fittings and flanges from Argentina should be excluded from the remedy because Argentina's share of fittings and flanges imports is less than 3 percent of total imports and developing country Members with less than 3 percent of fittings and flanges imports together account for less than 9 percent of total imports. During the interim period, Argentina's import share was 0.001 percent. As shown below, the total for all WTO developing countries under 3 percent was 2.51 percent.

Jan-June '01		
Fittings and Flanges	**Share**	**Short Tons**
Argentina	0.00%	3
Bangladesh	0.00%	0
Bolivia	0.00%	0
Brazil	0.02%	17
Colombia	0.06%	45
Costa Rica	0.00%	4
Czech Republic	0.05%	42
Dominica Is	0.01%	6
Dominican Rep	0.00%	0
Georgia	0.00%	1
Guatemala	0.16%	132
Guyana	0.00%	0
Hungary	0.00%	0
Indonesia	0.07%	55
Jordan	0.00%	0
Kenya	0.00%	0
Lithuania	0.00%	0
Niger	0.00%	0
Pakistan	0.00%	0
Philippines	0.01%	7
Poland	0.03%	26
Romania	1.71%	1,389
Slovakia	0.05%	43
Slovenia	0.00%	0
South Africa	0.01%	11
Trin & Tobago	0.00%	0
Turkey	0.00%	0
Venezuela	0.32%	258
Zimbabwe	0.00%	0
Total	**2.51%**	**2,039**
	Total (World)	**81,380**

III. FOR PRODUCTS THAT DO NOT QUALIFY FOR DEVELOPING COUNTRY EXCLUSION NO REMEDY IS WARRANTED WHERE IMPORT LEVELS ARE DECLINING AND DOMESTIC PRODUCERS' SHIPMENTS ARE INCREASING

The data presented in Section II and in Appendix A shows that several products from Argentina must be excluded from any remedy pursuant to the developing country exclusion requirement in Article 9.1 of the WTO Safeguards Agreement. However, it is unclear from past U.S. action in safeguard proceedings how the United States applies the Article 9.1 obligation. For whatever reason, if the President does not exclude imports from developing countries like Argentina, he should consider the factors discussed below before making a decision on remedy. These same factors should be considered with respect to any product that is not listed in in Section II or in Appendix A.

A. Imports Declined During The Interim Period For Several Of The Products

Imports of slabs, hot-rolled, and tin mill flat steel products have already begun to decline in volume.

a. Slabs

Imports of slabs have declined by 42 percent in the interim period. Imports declined from 4,096,148 tons in interim 2000 to 2,374,030 in interim 2001.[17] Annualized the 2001 level of imports is between 13 percent and 35 percent lower than any year during the POI.[18]

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[17] *See* P.R. at Flat-C-2.

[18] *See* P.R. at Flat-C-2.

b. Hot-Rolled Sheet

With respect to hot-rolled steel, imports also fell substantially. Imports of hot-rolled steel fell by 60.3 percent from interim period 2000 to interim period 2001.[19] Imports declined from 4,429,538 tons in interim 2000 to 1,759,659 in interim 2001.[20] Annualized this represents a level of imports that is 52 percent lower than the average level over the five-year POI.[21]

c. Cold-Rolled

Cold-rolled imports also fell substantially in consecutive years. From 1998 to 1999 imports of cold-rolled steel fell by 16.5 percent.[22] In the following year, cold-rolled steel imports fell by another 18.1 percent.[23]

d. Corrosion Resistant

Similarly, with respect to corrosion resistant, imports have declines substantially. From interim 2000 to interim 2001 imports fell by 23 percent.[24] Imports declined from 1,276,676 tons in interim 2000 to 982,714 in interim 2001.[25] Annualized this level of imports is nearly 20 percent less than the average level of imports for the five years of the POI.[26]

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19 *See* P.R. at Flat-C-4.

20 *See* P.R. at Flat-C-4.

21 *See* P.R. at Flat-C-4.

22 *See* P.R. at Flat-C-5.

23 *See* P.R. at Flat-C-5.

24 *See* P.R. at Flat-C-7.

25 *See* P.R. at Flat-C-7.

26 *See* P.R. at Flat-C-7.

e. Tin Mill

Tin mill product imports also declined significantly in the later part of the POI. From 1999 to 2000, tin mill product imports declined by 16.9 percent.[27] Tin mill imports declined by an additional 11.1 percent from interim 2000 to interim 2001.[28]

The declines in these imports have already afforded to the domestic producers reduced competition with imports and some time to recover. Indeed, in many cases, the decrease in imports for these products is as substantial or more substantial than any decline the domestic industry could expect from any safeguard remedy.

B. Imports Have Declined Significantly Since The End Of The Interim Period

Since June, steel imports into the United States have been on the decline. The Commission's injury analysis and subsequent remedy recommendations, do not take into account this post-June downward trend in imports. The U.S. Department of Commerce announced in early November that steel imports to the United States dropped in the first eight months of the year compared to the same period last year. In addition, steel imports declined on a monthly basis in September. Finally, steel imports in September dropped significantly when compared to August. The Bush administration, in comparing these year-to-date import figures for 2001 to the same period last year, will find inappropriate any sweeping tariffs, tariff rate quotas, or quotas on steel imports. Put simply, the ITC's injury and remedy findings are based on analysis of incomplete import data that ignores a recent downward trend in steel imports. If the ITC's injury

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[27] *See* P.R. at Flat-C-3.

[28] *See* P.R. at Flat-C-2.

and remedy findings were based on steel import data through August or September, the Bush administration would not have reason to impose remedies on steel imports.

C. The Domestic Producers' Shipments Have Increased In The Most Recent Period

The beginning of the domestic producers' recovery is evident by the fact that domestic production of several of the flat products has increased in the most recent periods. From 1999 to 2000, domestic production of slabs increased from 64,455,285 tons to 66,813,694 ton – an increase of over 1.5 million tons.[29] Similarly, hot-rolled domestic production increased from 63,390,190 tons in 1998 to 67,034,929 in 1999 and increased again in 2000 to 68,231,538 tons.[30] Cold-rolled domestic production increased to 35,423,140 in 1998, to 37,590,345 in 1999, and to 37,626,027 in 2000.[31] Corrosion resistant steel domestic production increased from 19,077,330 in 1998 to 20,100,443 in 1999.[32] These increases in production are an indication that the domestic injury has begun to recover even without any remedy. Under these circumstances, no additional trade remedy is warranted.

IV. CERTAIN PRODUCTS OF INTEREST TO ARGENTINA SHOULD BE EXCLUDED FROM THE SCOPE OF ANY REMEDIES ALTOGETHER

It has previously been brought to the attention of the USTR and TPSC that free-machining carbon steel wire rod and bars should not be subject to any remedy, regardless of country of origin. *See Request for Product Exclusion Filed on Behalf of Acindar Industria*

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29 *See* P.R. at Flat-C-2.

30 *See* P.R. at Flat-C-4.

31 *See* P.R. at Flat-C-5.

32 *See* P.R. at Flat-C-7.

Argentina de Aceros S.A. (Free-Machining Carbon Steel Wire Rod, HTS 7213.20.00 & Free-Machining Carbon Steel Bars, HTS 7213.20.00, HTS 7214.30.00) (Nov. 13, 2001).

As the USTR and TPSC are aware, wire rod has been excluded from the current investigation due to the previous wire rod safeguards investigation, in which safeguards measures are currently ongoing. Annex II of the USTR's June 22, 2001 letter to the International Trade Commission, requesting initiation of the current investigation, indicates that those wire rod products that were excluded from coverage in the recent Section 201 wire rod case were to be excluded from the current investigation. These exclusions included products such as such as tire cord quality, valve spring quality and class III pipe wrap quality wire rod that were excluded from coverage during the course of that earlier investigation. *See Certain Steel Wire Rod*, Invest. No. TA-201-69, USITC Pub. 3207 (July 1999), at II-5 note 14. Free-machining wire rod is another specialized type of wire rod, imports of which were of so little concern to the petitioners in the earlier investigation that it was excluded from the petitioners' proposed scope of investigation in the previous investigation from the very beginning. Probably because the exclusion had been in place from the very beginning of the case (rather than in the course of the proceeding), Annex II failed to list free-machining wire rod as an excluded product, but clearly it ought to be recognized as an excluded product and treated the same as the other excluded products, *i.e.*, as not being subject to safeguards remedies in this case. There is no sound reason to exclude from the current investigation the types of wire rod (such as tire cord quality, valve spring quality and class III pipe wrap quality) that petitioners requested to be excluded from any remedy during the course of the prior investigation, but not to exclude another type of wire rod (free-machining) that the petitioners in that investigation also saw fit to exclude from the scope of investigation from its very inception. If imports of free-machining wire rod could have been a

cause of serious injury to the U.S. wire rod industry, the petitioners in that industry certainly would have included them in the prior investigation that they caused to be instituted.

Moreover, in the last decade, the domestic industry has repeatedly filed antidumping and countervailing duty cases against wire rod, and has never included free-machining wire rod within the scope of an investigation.[33] Even in the most recent antidumping and countervailing duty petitions filed by the U.S. steel wire rod industry – after the instant safeguards investigation was instituted – petitioners specifically excluded free-machining steel from the proposed scope of the investigation once again.[34] Thus, the U.S. industry has not been subject to any serious injury – or even material injury -- with respect to imports of free-machining steel wire rod. There are, additionally, serious "like product" issues with respect to the inclusion of rod in the bar category. One has to look no further than the Stainless & Tool Steel Products classifications in this very investigation to see that bars and rods are different like products, and must be the subject of different injury determinations. It is improper to throw carbon and alloy rod, including free-machining wire rod, into the carbon and alloy bar category, as if the carbon and alloy bar like product category could permissibly be used as a catch-all for other like products – it cannot be used in such a manner. In this investigation the ITC has not analyzed or articulated any injury

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33 *See Certain Steel Wire Rod from Canada, Germany, Trinidad and Tobago, and Venezuela*, Invs. Nos. 701-TA-368-371 and 731-TA-763-766 (Final), USITC Pubs. 3075 (Nov. 1997) and 3087 (Mar. 1998); *Certain Steel Wire Rod from Brazil and Japan,* Invs. Nos. 731-TA-646 and 648 (Final), USITC Pub. 2761 (Mar. 1994); *Certain Steel Wire Rod from Belgium and Germany*, Invs. Nos. 701-TA-359 and 731-TA-686-687 (Preliminary), USITC Pub. 2760 (Mar. 1994); *Certain Steel Wire Rod from Brazil, Canada, Japan, and Trinidad and Tobago*, Invs. Nos. 731-TA-646-649 (Preliminary), USITC Pub. 2647 (June 1993).

34 *See* Antidumping Duty Petition on Carbon and Certain Alloy Steel Wire Rod from Brazil, Canada, Egypt, Germany, Indonesia, Mexico, Moldova, South Africa, Trinidad and Tobago, Turkey, Ukraine, and Venezuela at 8, (August 31, 2001).

whatsoever caused by wire rod imports. Consequently, it should be confirmed that free-machining wire rod is excluded from any remedies imposed as a result of the current proceeding.

V. IF THE PRESIDENT DECIDES A REMEDY IS WARRANTED, HE SHOULD SELECT THE LEAST DISRUPTIVE REMEDY POSSIBLE

As discussed above, Argentina believes that no safeguard measure is warranted with respect to the steel products from Argentina at issue. If the President nonetheless decides that safeguard measures should be imposed, regardless of the type of remedy the President selects, he should be mindful to impose the remedy in the least restrictive manner possible and for the shortest possible duration. Thus, if the President selects a quota, that quota should be set as high as possible. If the he selects a tariff, the tariff levels should remain as low as possible. Similarly, if the President selects a tariff rate quota the in quota and above quota tariff rates should be set as low as possible and the in quota levels should be set as high as possible.

A. The WTO Agreement Requires That The Remedy May Not "Exceed The Amount Necessary To Prevent or Remedy The Serious Injury"

Any remedy recommendation should restrict imports only to the extent necessary to prevent or remedy the serious injury. The Agreement states that increases in tariffs, imposition of tariff rate quotas and/or quantitative restrictions may only be taken "to the extent the extent necessary to prevent or remedy serious injury and to facilitate adjustment."[35]

This is in keeping with the purposes and intent of the safeguards agreement. In this investigation, the finding of serious injury is not a finding of culpability on the part of the foreign producers and importers. The imports in question, although found to be injurious, were fairly traded. The purpose of section 201 is not to punish the foreign producers and importers of the

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35 *WTO Safeguards Agreement* Article 5.1.

subject merchandise. Nor is the purpose to eliminate or discourage imports from the market. Rather, the purpose of section 201 relief is to afford the domestic producers the level of protection from competition with imports that enables them to adjust to the import competition.

B. Any Remedy Should Be Of The Shortest Possible Duration

Article 7.1 of the Agreement specifically limits the duration of any action taken to remedy the domestic industry's serious injury to four years. In addition to this four year maximum, as discussed above, Article 5.1 provides that safeguard remedies should be imposed only "to the extent the cumulative impact of the remedy does not exceed the amount necessary to prevent or remedy the serious injury." The duration of any remedy that the President imposes must be the shortest possible.

1. The President Also Must Consider That The International Obligations Of The United States Require That The U.S. Pay Compensation To WTO Members If The Remedy Exceeds Three Years

Under Article XIX of the General Agreement on Tariffs and Trade (GATT), WTO members are entitled to compensation from any member who imposes safeguard measures against a product imported by another WTO member. The *WTO Safeguards Agreement* suspends this obligation to pay compensation for a period of three years. The reasoning behind the suspension of this obligation, which was negotiated as part of the Uruguay Round, was that countries would suspend their right to compensation in exchange for an implicit promise to limit safeguard measures to a duration of three years or less. Compensation for any remedy imposed for more than three years is a legal obligation of the United States. Failure to comply with this obligation would subject the United States to retaliation.

2. The WTO Safeguard Agreement Requires The Remedy Be Phased Out Over The Duration Of The Remedy

Finally, the WTO Safeguards Agreement explicitly requires that any remedy be phased out over the duration of the remedy. Article 7.4 of the Agreement states:

> In order to facilitate adjustment . . .the Member applying the safeguard measure shall progressively liberalize it at regular intervals during the period of application.

The Agreement is clear; the President would be required in the event he should decide to impose a remedy to incorporate into the remedy provisions for the "phasing down" of the action.

C. If The President Selects A Quota For Slabs, It Should Be A Global Quota Because It Will Cause Less Disruption To The Market And Will Ensure Slabs Will Be Available For Domestic Purchasers

If the President selects a quota for slabs, he should select a global quota and not a country-specific quota. A country-specific quota is overly disruptive and will unnecessarily interfere with the free market. The U.S. domestic industry is served equally well by a global quota, which allows the free market to determine which countries import the subject merchandise. Moreover, a global quota provides more security of supply for those purchasers that rely on imports of slabs.

1. A Global Quota Is Less Disruptive Than A Country-Specific Quota

As discussed above, the President has an obligation to select the remedy he feels will provide effective relief to the domestic industry and will be the least disruptive. Global quota's are much less disruptive than country-specific quotas. A country specific quota is a highly intrusive and disruptive remedy that removes from the free market the allocation of market share. Instead of market forces determining which countries' merchandise is imported, under a country-specific remedy the market is artificially divided based on country of origin. Under a global

quota, market forces still play an important role. The absolute level of imports is capped at the quota level to protect the domestic industry, however, market forces determine the allocation of which countries import the subject merchandise to fill the quota.

2. A Global Quota Will Ensure The Availability of Supply For Slabs

The U.S. market conditions for slabs, require that imports be available as source of supply for the domestic industry. To ensure that the necessary level of imports is available, the President should select the most flexible remedy possible. Under a country specific quota, the security of supply would be threatened because the total quota allocation would depend on the stability of every slab producing country worldwide meet its quota. A global quota is more flexible than a country specific quota because it ensures that any available subject merchandise can be imported to fill the quota. Under a global quota the domestic industry would be ensured of the same protection, while at the same time those domestic purchasers of slabs will have more security of supply.

D. If The President Imposes A Country Specific Quota, It Should Base The Quota Levels On A Representative Period Without Prejudicing Countries That Did Not Export Large Volumes

In the event that the President determines that a country specific quota is warranted, he should not prejudice those foreign producers that did not export large volumes in the past. In deciding how to allocate a country specific quota, the President should avoid allocating low quotas to countries that may have had a small supply in one or more years of the representative period. Such a remedy would penalize responsible exporters that may have exited the market due to unfavorable conditions. In deciding how to allocate the country specific quotas, the Commission should also consider that several of the largest exporters in 2000 are now subject to

antidumping duty orders. Based on the fact that most exporters received relatively high dumping margins, producers in these countries are not likely to export significant volumes to the United States in the near future. If a disproportionate share of the quota were to be allocated to the countries covered by the orders, it is likely that significantly lower volumes than what the President selects would be able to enter the country. Conversely, penalizing those foreign producers by giving them a low country allocation at the expense of others that shipped significant quantities would create a perverse result.

VI. THE PRESIDENT SHOULD DECLINE TO IMPOSE MEASURES AGAINST IMPORTS FROM ARGENTINA BECAUSE IT WOULD EXACERBATE THE FRAGILE FINANCIAL CONDITION OF ARGENTINA

The Government of Argentina is deeply concerned about the actions the Government of the United States may adopt against steel products from Argentina under Section 201 of the Trade Act of 1974. For this reason, in addition to the legal and technical arguments presented in this submission, the Argentine Government requests that due consideration be given to the following arguments.

First, Argentina is striving to overcome an unprecedented crisis. The country has endured four years of recession, local businesses are struggling, unemployment has risen dramatically and the population is suffering serious hardship. The Argentine situation is further aggravated by the wider global economic recession, which, among other consequences, has sharply reduced the flow of capital to all emerging market economies. Indeed, on December 1, 2001, the Argentine Government was compelled to enact emergency measures to prevent a run on deposits that threatened both the monetary and the banking system. These measures, which have nearly paralyzed economic activity in the Argentine domestic market and in foreign trade,

were adopted in the context of rising concerns about Argentina's ability to meet its short-term financial needs as well as succeed in its on-going debt restructuring process.

The United States expressed its concerns about the Argentine crisis and, within the spirit of mutual cooperation and understanding between our two governments, has stated its commitment to working with the International Monetary Found (IMF) to find a "sustainable long-term solution to Argentina's economic problems" and "to restore growth in its economy."[36]

Bearing in mind this extremely delicate situation, the Argentine Government would like to express that the application of any new restrictions on our steel products would have a particularly negative impact on the affected companies. Likewise, these new trade restrictions would further harm Argentine export revenues at a moment where Argentina is facing a serious shortage of cash flows.

Second, Argentine exports are already experiencing the adverse effects of the excessive use of trade remedies by the United States. A cause of deep concern lies in the fact that these measures usually target Argentine export products that have become competitive in international markets by attaining high quality standards and with increasing levels of efficiency. The Argentine steel sector, in particular, has been a model of transformation, whose starting point was the privatization of formerly state-owned enterprises in the early 90's, followed by strategic private investments. During the last decade, this sector has undergone a major adjustment process that allowed it to restructure, modernize and gain in efficiency to face the challenge of international competition. Therefore, the application of further trade remedies to Argentine steel exports, in the context of this Section 201 investigation, would penalize a successful example of Argentina's sector-specific transformation.

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[36] Treasury Secretary Paul O'Neill's statement on IMF Agreement with Argentina, August 22, 2001.

Third, the Argentine Government is also concerned about the fact that the adoption of protectionist measures against Argentine steel products would run counter to our Governments' mutual commitment to pursue market access and undertake effective action at the bilateral, regional and multilateral level. In particular, President George W. Bush and U.S. Trade Representative Robert Zoellick have repeatedly stated that the United States, faced with external threats to its open and democratic society, must show global leadership in aggressively promoting trade liberalization with other countries.

Similarly, in conjunction with the United States' support for the recent IMF agreement with Argentina, the United States invited the MERCOSUR countries to hold trade talks with the goal "to pursue our common interest in free trade as an engine of economic growth globally, regionally and bilaterally."[37] In that opportunity, both Treasury Secretary Paul O'Neill and USTR Robert Zoellick officially acknowledged that free trade should be a necessary complement to the financial efforts undertaken to achieve a sustainable long-term recovery of Argentina.

Moreover, during the United States-MERCOSUR Four-Plus-One Meeting, our Trade Ministers reaffirmed "the importance of promoting an open and predictable environment for trade and investment and the significant role this plays in fostering economic growth and development." But more importantly, they also expressed our mutual commitment to work together in order to explore in the immediate term "ways to contribute to economic growth and sustainability through better market access."[38] Furthermore, we would highlight that the US-MERCOSUR trade talks have turned out to be an important mechanism in our efforts to launch a

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37 *See* USTR Press Release # 20508, August 21, 2001.

38 *See* US-MERCOSUR Four-Plus-One Joint Statement "Economic Growth Through Increased Trade", Washington DC, September 24, 2001.

successful new round of WTO negotiations. These talks will also allow us to redouble our efforts to ensure the successful conclusion of the Free Trade Area of the Americas.

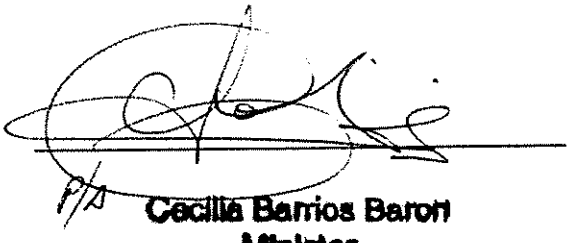
Finally, the Argentine Government would like to stress the fact that Argentina accounts for an *insignificant* share of imports in the U.S. steel market and, thus, Argentina cannot be considered a cause of injury to the U.S. steel industry. This is demonstrated by the arguments and data presented above. For these reasons, the Argentine Government strongly believes that the potential application of safeguard measures against Argentine steel products will be in direct conflict with the stated intention to provide mutual access to our respective markets.

In sum, Argentina is particularly committed to the liberalization of international trade. However, the current Argentine economic crisis illustrates the enormous effort Argentina is making to adjust to an open international economy. Therefore, the Government of Argentina requests that due consideration be given to Article 9.1 of the WTO Agreement on Safeguards, not only because Argentine steel products meet the exemption criteria, but also in the light of the above-mentioned arguments. The Argentine Government considers that the purpose of Article 9.1, as a "special and differential treatment" provision, was to allow developing countries a mechanism by which to avoid the type of adverse economic consequences that broad safeguard actions impose on developing countries. The United States should not ignore, therefore, in its consideration of the proper safeguard measures, the particular situation of Argentine products and should exempt them under Article 9.1 of the WTO Agreement on Safeguards.

VII. CONCLUSION

For those reasons stated above, Argentina respectfully submits that no safeguard measures should be imposed with respect to: (1) slabs, (2) hot-rolled steel, (3) cold-rolled steel, (4) coated (corrosion resistant) steel, (5) tin mill, (6) certain wire-rod, (7) welded non-OCTG pipe and (8) fittings and flanges. As discussed above, Argentine imports of slabs, hot-rolled steel, tin-mill, and fittings and flanges should be excluded as negligible under Article 9.1 of the WTO Agreement on Safeguards. With respect to cold-rolled steel, corrosion resistant steel and welded non-OCTG, data collected by the Commission covering the most recent period in fact demonstrate that no remedy is necessary to assist the domestic producers. If the President nonetheless decides a remedy is warranted, the statute requires such remedy should not exceed the minimum needed to remedy the injury found and should result in greater economic benefit than costs.

Respectfully submitted,



APPENDIX A

U.S. Imports of Steel Products
G01- Carbon Flat: Slabs

2000 + Interim		
	Share	**Short Tons**
Argentina	0.47%	45,003
Latvia	0.00%	0
Lithuania	0.00%	0
Poland	0.43%	41,504
Slovenia	0.00%	0
South Africa	1.49%	143,419
Turkey	0.00%	0
Venezuela	1.79%	172,827
Total	**4.18%**	402,753
	Total (World)	9,633,844

Jan-June '01		
	Share	**Short Tons**
Argentina	1.90%	45,003
Latvia	0.00%	0
Lithuania	0.00%	0
Poland	1.75%	41,504
Slovenia	0.00%	0
Turkey	0.00%	0
Venezuela	0.00%	0
Total	**3.64%**	86,507
	Total (World)	2,374,030

U.S. Imports of Steel Products
G03- Carbon Flat: Hot-rolled sheet and strip

	2000 + Interim	
	Share	**Short Tons**
Argentina	1.52%	140,394
Brazil	1.82%	168,105
Bulgaria	0.19%	17,625
Czech Republic	0.00%	7
Dominican Rep	0.00%	0
Egypt	0.02%	1,832
El Salvador	0.00%	0
Guatemala	0.00%	0
Hungary	0.39%	35,576
Indonesia	2.92%	269,283
Latvia	0.00%	0
Lithuania	0.03%	2,600
Peru	0.00%	0
Philippines	0.00%	0
Poland	0.05%	4,408
Slovakia	1.57%	145,096
South Africa	1.86%	171,305
Thailand	2.71%	249,609
Turkey	1.92%	177,391
Venezuela	0.59%	54,070
Total	**15.59%**	**1,437,301**
	Total (World)	**9,219,303**

	Jan-June '01	
	Share	**Short Tons**
Argentina	1.22%	21,474
Brazil	0.26%	4,644
Bulgaria	0.63%	11,074
Czech Republic	0.00%	0
Dominican Rep	0.00%	0
Egypt	0.10%	1,832
El Salvador	0.00%	0
Guatemala	0.00%	0
Hungary	0.71%	12,443
India	2.84%	50,017
Indonesia	0.61%	10,726
Latvia	0.00%	0
Lithuania	0.00%	0
Peru	0.00%	0
Philippines	0.00%	0
Poland	0.00%	0
Slovakia	0.08%	1,433
South Africa	0.20%	3,459
Thailand	0.90%	15,847
Venezuela	0.45%	7,944
Total	**8.01%**	140,893
	Total (World)	1,759,659

U.S. Imports of Steel Products
G07- Carbon Flat: Tin mill products

2000 + Interim		
	Share	**Short Tons**
Antigua Barbuda	0.00%	0
Argentina	0.03%	240
Colombia	0.00%	0
Dominican Rep	0.01%	72
India	0.21%	1,729
Slovakia	0.00%	0
Thailand	0.00%	0
Tunisia	0.00%	11
Venezuela	0.03%	252
Total	**0.27%**	**2,304**
	Total (World)	**843,287**

Jan-June '01		
	Share	**Short Tons**
India	0.27%	703
Argentina	0.08%	217
Venezuela	0.00%	0
Dominican Rep	0.00%	0
Tunisia	0.00%	0
Antigua Barbuda	0.00%	0
Slovakia	0.00%	0
Thailand	0.00%	0
Colombia	0.00%	0
Total	**0.35%**	**920**
	Total (World)	**263,091**

U.S. Imports of Steel Products
G20- Carbon Pipe and Tube: Welded tubular products other than OCTG

	2000 + Interim	
	Share	**Short Tons**
Albania	0.00%	0
Argentina	0.29%	11,802
Belize	0.00%	38
Brazil	0.07%	2,667
Cameroon	0.00%	0
Chile	0.13%	5,334
Colombia	0.57%	23,204
Croatia	0.05%	2,046
Czech Republic	0.03%	1,291
Ecuador	0.00%	33
Egypt	0.25%	9,899
Georgia	0.04%	1,645
Guatemala	0.17%	6,884
Guyana	0.00%	0
Hungary	0.00%	0
India	1.14%	46,132
Indonesia	1.24%	50,119
Kenya	0.00%	6
Mauritius	0.00%	0
Oman	0.28%	11,169
Pakistan	0.20%	8,108
Peru	0.03%	1,297

	Jan-June '01	
	Share	**Short Tons**
Albania	0.00%	0
Argentina	0.13%	1,882
Belize	0.00%	0
Brazil	0.09%	1,213
Cameroon	0.00%	0
Chile	0.02%	309
Colombia	0.52%	7,403
Croatia	0.00%	0
Czech Republic	0.00%	0
Ecuador	0.00%	33
Egypt	0.16%	2,290
Georgia	0.00%	0
Guatemala	0.25%	3,549
Guyana	0.00%	0
Hungary	0.00%	0
India	1.09%	15,361
Indonesia	1.16%	16,322
Kenya	0.00%	0
Mauritius	0.00%	0
Oman	0.47%	6,616
Pakistan	0.18%	2,612
Peru	0.02%	228

Philippines	0.24%	9,691
Romania	0.76%	30,671
South Africa	1.23%	49,670
Sri Lanka	0.00%	0
Turkey	1.43%	57,815
Venezuela	0.03%	1,069
Zimbabwe	0.01%	605
Total	**8.20%**	**331,195**
	Total (World)	**4,039,704**

Philippines	0.08%	1,155
Romania	0.82%	11,518
South Africa	0.95%	13,360
Sri Lanka	0.00%	0
Thailand	2.26%	31,903
Turkey	1.26%	17,802
Venezuela	0.00%	0
Zimbabwe	0.00%	0
Total	**9.46%**	**133,556**
	Total (World)	**1,412,496**

U.S. Imports of Steel Products
G22- Carbon Pipe and Tube: Flanges, fittings and tool joints

	2000 + Interim	
	Share	**Short Tons**
Argentina	0.00%	3
Bangladesh	0.00%	0
Bolivia	0.00%	1
Brazil	0.03%	60
Colombia	0.02%	49
Costa Rica	0.01%	12
Czech Republic	0.03%	73
Dominica Is	0.00%	9
Dominican Rep	0.00%	0
Georgia	0.00%	1
Guatemala	0.10%	221
Guyana	0.00%	0
Hungary	0.00%	0
Indonesia	0.03%	73
Jordan	0.00%	0
Kenya	0.00%	0
Lithuania	0.00%	0
Niger	0.00%	0
Pakistan	0.00%	0
Philippines	0.00%	7
Poland	0.15%	327
Romania	1.83%	3,977

	Jan-June '01	
	Share	**Short Tons**
Argentina	0.00%	3
Bangladesh	0.00%	0
Bolivia	0.00%	0
Brazil	0.02%	17
Colombia	0.06%	45
Costa Rica	0.00%	4
Czech Republic	0.05%	42
Dominica Is	0.01%	6
Dominican Rep	0.00%	0
Georgia	0.00%	1
Guatemala	0.16%	132
Guyana	0.00%	0
Hungary	0.00%	0
Indonesia	0.07%	55
Jordan	0.00%	0
Kenya	0.00%	0
Lithuania	0.00%	0
Niger	0.00%	0
Pakistan	0.00%	0
Philippines	0.01%	7
Poland	0.03%	26
Romania	1.71%	1,389

Slovakia	0.04%	80
Slovenia	0.00%	0
South Africa	0.04%	78
Trin & Tobago	0.00%	0
Turkey	0.00%	7
Venezuela	0.27%	596
Zimbabwe	0.00%	4
Total	**2.57%**	**5,578**
	Total (World)	**216,779**

Slovakia	0.05%	43
Slovenia	0.00%	0
South Africa	0.01%	11
Trin & Tobago	0.00%	0
Turkey	0.00%	0
Venezuela	0.32%	258
Zimbabwe	0.00%	0
Total	**2.51%**	**2,039**
	Total (World)	**81,380**